



Tribal Historic Preservation Office

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March 9, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 2055

Dear Ms. Dortch:

My name is Dianne Desrosiers, I am the Tribal Historic Preservation Officer for the Sisseton Wahpeton Sioux Tribe (SWST) in N.E. South Dakota. I have been the THPO for twelve years. For the last four years, our tribe has utilized the Tower Construction Notification System (TCNS) through the Federal Communications Commission (FCC)

I would like to address the proposed Report and Order regulations and provide my comments on why the passing of such would negatively impact my tribe and the work we do to protect cultural resources.

On February 28TH, 2018 the speech made by FCC Commissioner Branden Carr clearly supports the Industry's wish to eliminate tribal fees and is a direct assault on our rights as a sovereign nation. This is a constructive effort to disable the tribe's ability to perform their duties under the National Historic Preservation Act and to further Industry's wish to circumvent the important review process which protects cultural sites by leaving the tribes with no compensation for the work performed to comply with federal law.

SWST THPO worked to develop a methodology that utilizes the streamlined process implemented by the FCC to consult with tribes on the large number of towers and projects that would under federal law warrant face-to-face direct government-to-government consultation. SWST charges a reasonable fee of 400.00 to support the infrastructure and trained staff to review each in a timely and efficient manner along with ensuring compliance with federal law. These fees not only support TCNS staff, but also support the upkeep of a cutting edge tribal database system that organizes all requests for consultation along with accompanying materials, correspondence and research. We have an archive, research library with maps, photos, books and oral histories in addition to reports and files we have compiled internally for our tribe. All of this information used for the review process is exclusive to SWST and no other entity can review in the manner we do and we feel the fees assessed to the proponent of a project are reasonable and justified. To suggest that the tribes should not be paid for the services we provide is much like going to a doctor or engineer and expecting them to provide expertise for free.

The SWST does not acknowledge the "listening sessions" to have been Government to Government consultation. Passing the proposed Report and Order regulations will allow industry to avoid both NHPA and NEPA requirements. It is unacceptable for the wireless industry to be allowed to influence a federal agency and we are asking the FCC to delay any decisions until the FCC meets with SWST in true consultation and the FCC facilitates meetings to bring together tribal THPOs and Industry to work out a reasonable plan in regards to the TCNS System.

In conclusion, we are not against technological progress, our concern is that tribal sovereignty and historic preservation are upheld and respected. We are sovereign nation, not a business that needs to conform to market demands, without any say in the process and without rights that are afforded to local governments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Desrosiers". The signature is fluid and cursive, with a horizontal line above the name.

Dianne Desrosiers, THPO
Sisseton Wahpeton Sioux Tribe

cc: Senator Tom Udall
Senator John Hoeven